

**REMARKS**

The Applicants thank the Examiner for the thorough consideration given the present application. Claim 23 is cancelled herein without prejudice to or disclaimer of the subject matter contained therein. Claims 21, 22, 24, 26-33, and 36-45 are pending, of which claim 21, 42, and 43 are amended. Claims 1-20, 25, 34, and 35 were previously cancelled without prejudice to or disclaimer of the subject matter set forth therein. Claims 36 and 37 are withdrawn. Claim 21 is independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

**Examiner Interview**

If, during further examination of the present application, a discussion with the Applicants' Representative would advance the prosecution of the present application, the Examiner is encouraged to contact Carl T. Thomsen, Registration No. 50,786, at 1-703-208-4030 (direct line) at his convenience.

**Rejection Under 35 U.S.C. § 112, first paragraph**

Claims 42 and 43 stand rejected under 35 U.S.C. § 112, first paragraph. This rejection is respectfully traversed.

In order to overcome this rejection, Applicants have amended claim 42 in order to replace the word "adhesive" with the word "abhesive" (supported by paragraph [0032] of the published application), by deleting the word "substantially" from claims 42 and 43, and by replacing the words "tubular bodies" with the words "hollow bodies" in claim 43. "Hollow

bodies” are supported in the original application, for example, in paragraphs [0011] and [0013] of the published application. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

**Rejection Under 35 U.S.C. § 112, second paragraph**

Claims 42 and 43 stand rejected under 35 U.S.C. § 112, second paragraph. This rejection is respectfully traversed.

In order to overcome this rejection, the Applicants have amended claims 42 and 43 to delete the word “substantially” in claims 42 and 43, and to replace the words “tubular bodies” with the words “hollow bodies” in claim 43. “Hollow bodies” are supported in the original application, for example, in paragraphs [0011] and [0013] of the published application. The Applicants respectfully submit that the claims, as amended, particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

**Rejections Under 35 U.S.C. §103(a)**

Claims 21, 23, 28, 30, 32, 33, and 38, 40, and 42-45 stand rejected under 35 U.S.C. §102(b) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being unpatentable over Wambeke et al. (U.S. 5,741,014) in view of Bonk et al. (U.S. 4,731, 273); claim 22 stands rejected under 35 U.S.C. §102(b) under 35 U.S.C. §103(a) as being unpatentable over Wambeke et al. in view of Bonk et al., and further in view of Woods (U.S. 4,414,275);

claim 24 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Wambeke et al. (U.S. 5,741,014) in view of Bonk et al., and further in view of Stanek (U.S. 3,959,052);

claim 26 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Wambeke et al. (U.S. 5,741,014) in view of Bonk et al., and further in view of Flint (Re. 30,843);

claim 27 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Wambeke et al. (U.S. 5,741,014) in view of Bonk et al., and further in view of Komiya et al. (U.S. 5,118,567);

claim 29 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Wambeke et al. (U.S. 5,741,014) in view of Bonk et al., and further in view of Lautenschlaeger et al. (U.S. 4,814,215); and

claims 31, 39, and 41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wambeke et al. (U.S. 5,741,014) in view of Bonk et al., and further in view of Czepel et al. (U.S. 4,277,532).

These rejections are respectfully traversed.

*Amendments to Independent Claim 21*

While not conceding the appropriateness of the Examiner's rejection, but merely to advance the prosecution of the present application, independent claim 21 has been amended herein to recite a combination of elements directed to a pressure-sensitive adhesive material or a sealing material which has a three-dimensional structure and a defined cross-sectional contour, including *inter alia*

"a polymerizable mass comprising at least one compound selected from the group

consisting of aromatic (meth)acrylates, alicyclic (meth)acrylates, polycyclic (meth)acrylates, heterocyclic (meth)acrylates, epoxide acrylates, epoxides, vinyl ethers, vinyl esters, and styrene.”

**Regarding Wambeke et al.**

According to the Examiner, Wambeke et al. disclose a sealing material formed of pressure-sensitive adhesive and having a cross-sectional contour which deviates from a flat two-dimensional geometry, being semi-circular, triangular, quadrangular, etc., as shown in Figs. 4, 5 and 6 and described in col. 8. However, WAMBEKE et al. fails to describe the types of pressure-sensitive adhesives which can be used to form strings, strands or strips. In particular, WAMBEKE et al. fails to describe the specific composition of pressure-sensitive adhesives in form of strings, stands or strips which have a three-dimensional structure and a specific cross-sectional contour.

The missing features cannot be found in the reference of BONK et al. either.

**Regarding Bonk et al.**

BONK et al. teaches flat layers made of pressure-sensitive adhesives. The pressure-sensitive adhesives are made of a specific composition.

The specific pressure-sensitive adhesive according to BONK et al. comprises (a) an acrylate terpolymer and (b) a crosslinking agent selected from the group consisting of (i) an amine formaldehyde condensate, (ii) a chromophore-substituted trihalomethyltriazine or (iii) a polyfunctional acrylate monomer (column 2, lines 59 to column 3, line 5).

Thus, the pressure-sensitive adhesive according to BONK et al. requires the presence of at least one crosslinking agent which *inter alia* can be a polyfunctional acrylate monomer. However, the polymerizable mass according to the presently claimed invention teaches a totally different composition. In particular, the polymerizable mass that is the pressure-sensitive adhesive does not require the presence of any crosslinking agents such as polyfunctional acrylate monomers.

As BONK et al. does not describe the specific pressure-sensitive adhesive composition according to the presently claimed invention, those skilled in the art would not get any hint from BONK et al. as to how the inventively claimed pressure-adhesive composition is prepared. Thus, BONK et al. cannot be considered as an appropriate secondary reference and those skilled in the art will not arrive at the presently claimed subject matter by combining the references of WAMBEKE et al. and BONK et al.

Moreover, even if the reference of BONK et al. disclosed the inventively used pressure-adhesive composition, those skilled in the art would not arrive at the presently claimed invention by considering the teaching of both WAMBEKE et al. and BONK et al. for the following reasons.

BONK et al. discloses layers of pressure-sensitive adhesives. Thus, BONK et al. is totally silent of pressure-sensitive adhesives being shaped with the cross-sectional contour according to the presently claimed invention.

As there is no hint in the prior art of BONK et al. that pressure-sensitive adhesives can be shaped with a cross-sectional contour, it is surprising that these adhesives can be in the form of

strings, strands or strips that have a three-dimensional structure and a defined cross-sectional contour. It is even more surprising to those skilled in the art that pressure-sensitive adhesives can be in a specific three-dimensional structure while at the same time said specific structure ensures sufficient adhesive properties. In other words, the suitability of any kind of pressure-sensitive adhesive for use as a sealing material with a three-dimensional structure was not obvious to those skilled in the art at a time of filing the presently claimed invention.

**Regarding Czepel et al., Woods, Flint, Komiya et al., and Lautenschlager et al.**

The references of CZEPEL et al., WOODS, STANEK, FLINT, KOMIYAMA et al., and LAUTENSCHLAGER were merely cited for teaching additional features recited in the dependent claims. However, as these references neither disclose the specific composition of the inventively used pressure sensitive adhesive nor the formation of pressure-sensitive adhesives with a three-dimensional structure and a defined cross-sectional contour, a combination of these documents with both WAMBEKE et al. and BONK et al. cannot lead to the presently claimed invention.

At least for the reasons described above, the Applicants respectfully submit that the combination of elements as set forth in **independent claim 21** is not disclosed or made obvious by the combination of prior art of record, including Wambeke et al., and Bonk et al.

Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

**Independent claim 21** is in condition for allowance.

**Dependent Claims**

The Examiner will note that dependent claim 23 has been cancelled, and dependent claim 42 has been amended.

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, as well as for the additional novel limitations set forth therein.

All claims of the present application are now in condition for allowance.

*Application No. 10/799,724  
Reply dated January 25, 2010  
Reply to Office Action of September 24, 2009*

*Docket No.3868-0156P  
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**CONCLUSION**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

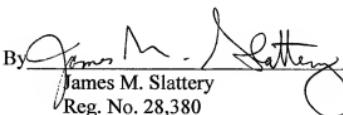
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 208-4030 (direct line).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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**Date: January 25, 2010**

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